

### **REMARKS**

Reconsideration and reexamination of the above-identified patent application are respectfully requested. Claims 1-17 are pending in the Application upon entry of this Response. No claims have been amended, canceled or added by this Response. Of the pending claims, claims 1 and 17 are the only independent claims.

Claims 1-4, 7, 8, 13-15 and 17 stand rejected under § 103(a) as being unpatentable over Int'l Pat. App. No. WO/01/66231 to Dannström et al. (Dannstrom) in view of U.S. patent no. 3,722,694 to Agranat (Agranat), U.S. patent no. 3,027,715 to Morris (Morris), U.S. patent no. 2,678,529 to Buchi (Buchi), Official Notice, and further in view of U.S. patent no. 2,358,626 to Carington (Carington).

Claims 5 and 6 stand rejected under § 103(a) as being unpatentable over Dannstrom in view of Agranat, Morris, Buchi, Official Notice, Carington and further in view of Int'l Pat. App. No. WO/1999/26717 to Jitariouk (Jitariouk).

Claims 9-11 stand rejected under § 103(a) as being unpatentable over Dannstrom in view of Agranat, Morris, Buchi, Official Notice, Carington and further in view of U.S. patent no. 4,689,150 to Abe et al. (Abe).

Claim 12 stands rejected under § 103(a) as being unpatentable over Dannstrom in view of Agranat, Morris, Buchi, Official Notice, Carington and further in view of U.S. patent no. 5,352,361 to Prasad et al. (Prasad).

Claim 16 stands rejected under § 103(a) as being unpatentable over Dannstrom in view of Agranat, Morris, Buchi, Official Notice, Carington, Abe and further in view of U.S. patent no. 6,503,294 to Yoshikawa et al. (Yoshikawa).

#### **Rejection of Independent Claims 1 & 17**

It has long been held that a reference must constitute analogous prior art if that reference is to be relied upon under 35 U.S.C. § 103. A reference in a field different from that of the applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole. *See MPEP §2141.01(a), emphasis added.* Applicant

respectfully contends that non-analogous art has been applied to stitch together the present invention. In rejecting independent claims 1 and 17, the Examiner relies on at least (3) three piece of art that are so far outside the confines of the field of Fluid Separation that they do not fairly or logically commend themselves to the attention of a person of ordinary skill in the art of Fluid Separation.

The present invention, as claimed in independent claims 1 and 17, relates to a module for separating a multi-component fluid. In contrast, Morris is directed to the mounting of a completely circular fuel manifold onto the circular wall of an adjacent combustion chamber such as a gas turbine engine (*see* Morris col. 1, lines 11-13 and 44-46); Buchi is directed to an exhaust gas manifold for an internal-combustion engine (*see* Buchi, Title); and Carington relates to high pressure boiler construction (*see* Carington col. 1, lines 1-2). It is difficult to imagine a scenario wherein turbine, engine and boiler related publications would commend themselves to the attention to a person in the Fluid Separation art.

In addition, while the number of references relied upon by an examiner is admittedly not conclusive on the issue, Applicant respectfully contends that Examiner's reliance upon no fewer than 5 references plus Official Notice is consistent with an undue level of hindsight in establishing obviousness.

For the above reasons, then, Applicant respectfully contends that the analogous prior art of record fails to disclose each and every element of independent claims 1 and 17. By way of example, the analogous prior art fails to disclose, *inter alia*, "at least one of the manifolds being unrestrained, thereby permitting axial movement of each membrane element in response to temperature changes" and "elbow conduits are further configured to provide a spring-like overall structure sufficient to withstand strain due to thermal expansion" as presently claimed in representative independent claim 1.

#### Rejection of Dependent Claims

Regarding claims which depend from independent claims 1 and 17, Applicant contends that these claims are patentable for at least the same reasons that the independent claims are patentable. Moreover, Applicant contends that these claims recite further limitations, in addition to the limitations of claims 1 and 17, which render these claims additionally patentable.

**CONCLUSION**

Consequently, in view of these remarks, Applicant respectfully contends that the Application is in condition for allowance. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 05-1328.

Should the Examiner have any comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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